LAW SECRETARIAT

The Report of the Delimitation Committee.

READ—

Government Order No. 1849-900—C. B. 58-39-1, dated 6th November 1939, passing orders on the report of the Committee on Constitutional Reform in Mysore.

2. Government Order No. 2182-91—C. B. 58-39-3, dated 17th November 1939, appointing a Committee for the purpose of submitting recommendations regarding the delimitation of constituencies for the seats reserved for certain special interests and minority communities in the Representative Assembly and the Legislative Council.

3. Letter dated 30th January 1940, from the Chairman of the Delimitation Committee submitting the Report of the Committee.

ORDER NO. RL. 1410-84—R. A. 32-39-1, DATED BANGALORE, THE 5TH APRIL 1940.

Appointment of the Committee and its terms of reference.

Government were pleased to appoint in Order No. 2182-91—C. B. 58-39-3, dated 17th November 1939, a Special Committee consisting of five non-official members with *Rajasevasakta* S. Hiriannaiya as Chairman, for the purpose of making recommendations regarding the delimitation of constituencies for the seats reserved for certain special interests and minority communities in the Representative Assembly and the Legislative Council. The Committee was required to formulate specific proposals with regard to—

(*a*) the nature and location of the constituencies to be established for the return of representatives of all special interests to which seats have been allotted in the Representative Assembly and the Legislative Council, other than Muslim and Depressed Class women in the Representative Assembly, and the University in the Representative Assembly and the Legislative Council;

(*b*) the qualifications of voters, the conduct of elections and the qualifications necessary for candidature for all special interests in both the Chambers other than women and the University;

(*c*) the delimitation of constituencies for the seats for Muslims, Depressed Classes and Indian Christians in the Representative Assembly and the Legislative Council; and

(*d*) the extent to which the franchise qualifications could be reduced in the case of Depressed Classes, *viz.*, Adikarnatakas, Adidravidas, Lambanis (Banajaras), Voddas, Korachas, Koramas, Hill Tribes and Animists, in order to secure the enfranchisement in these classes of approximately the same percentage of population as is enfranchised among caste Hindus.

The Committee's Report.

2. The Committee submitted its report to Government on 30th January 1940. The Committee invited the views of important associations and other organised bodies representing minority communities and special interests, examined seventy-eight witnesses, and collected statistical data on matters falling within the scope of its terms of reference. The Report of the Committee, which is based on a careful consideration of the material thus collected by it, has been of great value to Government in enabling them to arrive at a decision on the outstanding problems connected with the Constitutional Reforms. Government desire to

place on record their appreciation of the thoroughness with which the Chairman and the members of the Committee addressed themselves to their task.

Muslims.

3. In formulating its proposals for the delimitation of constituencies for the seats reserved for Muslims, the Committee has proceeded on the principle of population, deviating from it in a few individual cases where the weight of special factors justified such deviation. The proposals made by the Committee in this behalf for the five seats reserved for this community in the Legislative Council and the thirty seats in the Representative Assembly are accepted by Government, and they are accordingly pleased to direct that the Muslim constituencies for the two Chambers and the number of seats in each constituency should be as specified in Appendix I.

Depressed Classes.

4. The Committee has proposed that the four seats reserved for the Depressed Classes in the Legislative Council should be filled by the nine districts in rotation, with a view to securing an opportunity to the Depressed Classes in all the districts to elect their representatives to the Council. This proposal is agreed to by Government, and accordingly, three of the four seats will be held in rotation by two groups of districts, *viz.*, (*a*) Mysore, Bangalore and Tumkur, and (*b*) Mandya, Kolar and Chitaldrug, each district in the group being allotted one seat. The remaining seat will be held in rotation by the districts of Shimoga, Kadur and Hassan. For the first term, the districts in group (*a*) and the Shimoga district will hold the four seats as suggested by the Committee.

In the case of the Representative Assembly, four of the thirty Depressed Class seats will be reserved, as recommended by the Committee, to the following minor communities to be filled by election by associations recognised by Government, the rules governing the recognition of associations being the same as at present.—

Korachas and Koramas	...	One seat.
Lambanies ...	...	Two seats.
Voddas ...	...	One seat.

The remaining twenty-six seats will be located in the general constituencies proposed by the Committee as specified in Appendix II.

In regard to the extent to which the standard franchise qualifications may be reduced in the case of the Depressed Classes, the Committee has recommended that for the Representative Assembly the qualifying limit of assessment to land revenue may be reduced to Rs. 2, village panchayet and municipal taxes to Re. 0-8-0 and municipal taxes in the cities to Rs. 1-8-0. For the Legislative Council, it is proposed that the qualifying limit of assessment to land revenue may be reduced to Rs. 4, village panchayet and municipal taxes to Re. 1 and municipal taxes in the cities to Rs. 1-8-0.

Government accept these recommendations with the modification that the minimum assessment under village panchayet and municipal taxes may be fixed as noted in the margin.

Legislative Council.
Village Panchayets and Municipalities Rs. 3

Representative Assembly.
Village Panchayets, Minor and Town Municipalities Rs. 2
City Municipalities Rs. 3

Government further accept the modifications suggested by the Committee in the case of the Depressed Classes in the standard qualifications prescribed by Government Order No. 1849-900—C. B. 58-39-1, dated 6th November 1939, for candidature to the two Chambers, *viz.*, that the literary qualification in the case of the Depressed Class candidates should, in the absence of any other qualification, be a pass in the Secondary School Leaving Certificate Examination for the Representative Assembly, and that an elector of the Depressed Classes may stand as a candidate for any Depressed Class seat in a district.

Indian Christians.

5. The proposal of the Committee that the entire State may be formed into a single multi-member constituency for the five seats reserved for the Indian Christian Community in the Assembly is accepted by Government. These seats will be filled by means of the cumulative vote so as to enable both sections of the community, *viz.*, Roman Catholics and Protestants, to return representatives in proportion to their respective voting strength. Similarly, the entire State will form a single constituency for the one seat reserved for the community in the Legislative Council.

Women.

6. Under the Reforms sanctioned in Government Order No. 1849-900—C. B. 58-39-1, dated 6th November 1939, the strength of the Assembly was fixed at 310, of which 300 seats were to be filled by election and the remaining 10 seats by nomination by Government for special purposes. Of the elected seats, 11 seats were directed to be reserved for women as a special interest, and of these, one seat was assigned to Muslim women and one seat to Depressed Class women, the cities of Bangalore and Mysore forming a single constituency for these two seats. Election for the remaining nine seats for women was directed to be through specially formed associations in each district, except in the cities of Bangalore and Mysore where women had chances of getting elected through the general electorates.

The Committee has recommended that the nine general seats for women should be allotted to the nine districts, one to each, and has suggested certain terms and conditions for the recognition of women's associations in the districts for purposes of election. Government, however, consider that the acceptance of these proposals would make the electoral machinery somewhat complicated and that there would be no uniformity in the method of election for the women's seats. Government further consider that it is not desirable to introduce communal electorates for what are essentially seats reserved for a special interest. They therefore direct, in modification of the Government Order No. 1849-900—C. B. 58-39-1, dated 6th November 1939, that nine of the 11 women's seats should be allotted to the nine districts, one to each district, to be filled by women voters of all communities in the district, the qualifications for the vote being the same as those prescribed for women voters in territorial constituencies. The remaining two seats will be held in reserve by Government for giving representation to Muslim and Depressed Class women by nomination, if no women of those two communities are returned by election. The

Assembly will thus consist of 298 elected members and 12 nominated members.

The proposals of the Committee in regard to the two seats reserved for women in the Legislative Council are accepted by Government. One seat each will be allotted to the cities of Bangalore and Mysore to be filled by election by women voters of all communities in the two cities, the qualifications for voters being the same as those prescribed for women voters in territorial constituencies.

Trade and Commerce.

7. The seat reserved for Trade and Commerce on the Legislative Council will, as recommended by the Committee, be allotted to the Chamber of Commerce. The Committee recommends that only such members of the Chamber (whether individuals, firms, Hindu joint families or corporations) as satisfying the following conditions should be given the vote:—

(i) the voter should be actively engaged in trade, commerce or industry and should either reside or have a place of business within the State excluding the Civil and Military Station;

(ii) the voter should have been a member of the Chamber for at least one year before the date of election and paid the subscription accrued due before the end of the previous financial year;

(iii) the voter, if a firm or individual or Hindu joint family, should have been assessed to income-tax on income derived from trade, commerce or industry in any one of the five income-tax years before the preparation of the electoral roll;

(iv) a Government official representing a Government concern in the Chamber should not be eligible to vote.

Government accept these recommendations.

These qualifications will not be applicable to associations affiliated to the Chamber. Such associations will be eligible to vote if they are situated within the State excluding the Civil and Military Station and each of them will have only one vote in its corporate capacity.

The constituency for the one seat reserved for Trade and Commerce in the Representative Assembly will be the Chamber of Commerce as well as its affiliated associations situated within the State exclusive of the Civil and Military Station, as recommended by the Committee. The qualifications for admission to the electorate will be the same as those for admission to the electorate for the Trade and Commerce constituency for the Legislative Council. Affiliated associations, however, will have no vote in their corporate capacity, but members of such bodies will be qualified to vote in their own right if they are otherwise qualified. A person who is a member of two or more affiliated associations as well as of the Chamber will be qualified to be enrolled in the electoral roll of such one only of the associations or the Chamber, as he may elect.

As regards the question as to who should be taken as entitled to vote in cases where the elector is not an individual, but a firm, Hindu joint family, corporation or

similar group of persons, the Committee suggests that the rules governing this matter in British India should be adopted.

Government accept this recommendation.

Industries.

8. Two seats have been allotted in the Representative Assembly for Industries under the Reforms. The Committee proposes that one of these seats should be reserved for the textile industry, and the other for industries other than textiles.

This proposal, however, involves the clubbing together in a single constituency of large industrial establishments with a number of small factories, with which they may not have much of community of interests. In such a constituency, the larger concerns would not have a fair chance of having their representative elected. Further, the constituencies suggested by the Committee are limited to industrial concerns situated in the cities of Bangalore and Mysore, and Mandya, Bhadravati and Davangere Towns, and a large number of concerns situated in other parts of the State are left out.

Government consider that opportunity should be given to all industrial concerns in the State, which come under the purview of the Factories Act, of participating in the election of the representatives for Industries. They, therefore, direct that one seat be allotted to all factories in the State employing one hundred or more workers, and that the other seat be allotted to factories employing less than one hundred workers, and that industrial concerns owned by Government be excluded.

The electorate in the two constituencies will, as proposed by the Committee, consist of proprietors of qualifying factories, if such factories are owned by individuals, and in the case of factories owned by corporations, firms or Hindu joint families, representatives duly nominated in that behalf as in the case of the Trade and Commerce constituency. Every voter will be qualified to stand as a candidate.

The Committee further proposes that in view of the large part played by the handloom industry in the State and its importance in rural economy, a representative of handloom industry may be nominated by the Government for one of the ten seats reserved in the Assembly for nomination for special purposes. Government will take this recommendation into consideration when nominations are made to the Representative Assembly.

Labour.

9. Labour is given a representation of two in the Legislative Council and three in the Representative Assembly. Accepting the proposal of the Committee, Government direct that the constituencies for these seats be as follows:—

1. LEGISLATIVE COUNCIL.

(a) Factories situated in Bangalore City and Kolar Gold Field and employing not less than 100 workers, and the Mines in the Kolar Gold Field.	One.
(b) Factories situated in Mysore City and Mandya and Bhadravati Towns and employing not less than 100 workers.	One

2. REPRESENTATIVE ASSEMBLY.

(*a*) Factories situated in Bangalore City and employing not less than 100 workers. ... One.

(*b*) Factories situated in Mysore City and Mandya and Bhadravati Towns. ... One.

(*c*) Labour employed in the factories and mines in Kolar Gold Field. ... One.

The qualifications of persons entitled to vote in these constituencies for the Legislative Council, according to the proposals of the Committee, are to be employment in qualifying factories or mines for a period of not less than 180 days, whether continuous or not, in each of the three years previous to the date of the election on a remuneration at the rate of not less than Rs. 25 per month in the case of men, and Rs. 20 in the case of women, but not exceeding in both cases Rs. 150 a month.

In the case of the Representative Assembly, the qualification is to be the same with the difference that the rate of remuneration in the case of men is to be not less than Rs. 15 per month and in the case of women not less than Rs. 10. It is suggested that persons employed in a clerical, supervisory, recruiting or administrative capacity should be excluded. Government accept these recommendations.

The Committee proposes a higher qualification for candidates both in regard to the period of employment as well as the receipt of remuneration. Government however consider it undesirable to restrict the choice of an elector by prescribing a higher qualification for candidates. They accordingly direct that every elector should be eligible to stand for election.

Co-operation and Banking.

10. Co-operation and Banking was given one seat in the Representative Assembly under the Reforms. The Committee proposes that as the interests of co-operation and banking are somewhat conflicting, the two interests may be separated and the seat allotted to Co-operation. Government accept this recommendation and direct that, as suggested by the Committee, the Mysore Co-operative Institute shall be the constituency for the Co-operation seat, the vote being confined only to such Co-operative Societies as are members of the Institute. Banking will, if possible, be represented by nomination until a suitable constituency is organised for that interest in the form of a bankers' association.

Planting.

11. Two seats are reserved for Planting, one for Indian and the other for European Planting in the Representative Assembly and also in the Legislative Council. These seats will, as recommended by the Committee, be filled by direct election respectively by European and Indian proprietors owning a minimum of 50 acres of land assessed to coffee assessment in the case of the Legislative Council, and a minimum of 20 acres for the Representative Assembly. Every voter will be qualified to stand for election.

Mining.

12. The Gold Mining seat in the Assembly and the Mining seat in the Legislative Council will be allotted to the Kolar Gold Field Mining Board to be filled by election by members of the Board as suggested by the Committee.

Miscellaneous.

13. There are a few minor suggestions which the Committee have made in regard to some of the constituencies. It is suggested that in cases where the representatives are to be returned by associations, the election should be conducted by Government through its own officers and that the Registering and the Returning Officers should be Government servants. This recommendation is accepted by Government as also the recommendation of the Committee that the system of voting for the Trade and Commerce, Industries and Co-operation constituencies should be by post. In the case of the European and Indian Planting constituencies also, Government direct that postal voting should be adopted.

Government agree with the views of the Committee that the period of domicile entitling a person to claim to be a subject of His Highness the Maharaja for purposes of voting, which has been fixed at ten years, will prevent the inclusion of many persons in the electoral roll for Trade and Commerce, Industries and European Planting constituencies although such persons may otherwise be duly qualified. Government will, therefore, reserve power as recommended by the Committee to reduce the period of domicile in the case of electors and candidates in special constituencies to three years. Further, enrolment on the electoral roll for the Trade and Commerce and Industries constituencies will be on application by the person concerned for such enrolment.

Government further direct in this connection that the system of the cumulative vote may be adopted at elections in all multi-member constituencies as in some of the Provinces in British India, and that the law and procedure relating to the preparation, revision and publication of electoral rolls, the conduct of elections, election agents and expenses, corrupt practices and the decision of doubts and disputes in regard to the validity of elections may, as far as possible, be brought into line with that in British India.

H. V. NARAYANA RAO,
Secretary to Government,
Law Department.